

CITY COUNCIL MEETING

Tuesday, June 23, 2009

Grimes City Hall 5:30 P.M.

The regular meeting of the Grimes City Council was called to order by Mayor Tom Armstrong on Tuesday, June 23, 2009 at 5:30 P.M. at the Grimes City Hall.

Roll Call: Present: Long, Grove, Altringer, Evans Absent: Patterson

GENERAL AGENDA ITEMS.

APPROVAL OF THE AGENDA

Moved by Long, Seconded by Altringer; the Agenda shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

APPROVAL OF CONSENT AGENDA

A. Minutes from the June 9, 2009, Council Meeting, B. Resolution 06-0109 Approving Application to Extend the Period for Recording Final Plat Documents of Wal-Mart's Second Addition to the City of Grimes, Polk County, Iowa C. Approve Delinquent Account Write Off EMS, D. Iowa Retail Cigarette/Tobacco Permit 1. Tobacco Outlet 2. Brick's Café, Inc. 3. Fareway Stores, Inc. #983 4. Krueger BP 5. Casey's Marketing, Co. Store 2520 6. Swift Stop #3 7. Spiritsandmore 8. Johnson's Philips 9. Kum & Go. #141 10. Kum & Co #237 E. Approve Cutty's Des Moines Camping Club Fireworks Display with J & M Displays Fireworks Permit, F. Approve reconditioning of drive and parking area at waste water treatment plant by Grimes Asphalt and Paving Corp. in the amount of \$11,700.00 G. Change Order No. 9 increase in the amount of \$2,782.47 for the East 1st Street Grading and PCC Paving and Traffic Signal – Concrete Technologies Inc. H. Street Closure Request for block party July 18th – 408 Cedarwood to 1204 South 6th Street 4-8 p.m. I. Request for reduction in sewer bill – Gary Smith J. 54th Street Service Agreement K. Notice of Hearing and Invitation to Bidders for the S. James Street Reconstruction, Claims Report for 6/23/09 in the amount of \$302,868.43.

Moved by Long, Seconded by Altringer; the consent agenda shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

FIRE CHIEF REPORT

Fire Chief Krohse was not available due to a call out and reports later.

PEOPLESERVICE REPORT

Mark Devine of PeopleService was present to give an update on the Water/Wastewater Department. He advised that some general maintenance is being done on the plant. He stated that personnel are continuing to install radio reads and are painting water hydrants in town. Devine stated that the final walk through on Destination Drive has been done. Council Member Long asked if the water pressures at the new Walmart store would be sufficient. City Engineer Gade stated that after testing in this area it was found that the pressure level was 65 psi which is more than adequate for commercial development. Gade stated that Walmart has their own set of requirement for water pressure and is considering building a water storage tank for fire protection. Gade stated his firm had run a model to run a water loop up to North Pointe and would increase the rate from 1800 gallons per minutes to 3500 gallons per minute. Gade stated that with this water loop not

only would it provide better fire protection for Walmart but the entire area up to North Pointe. Council Member Altringer asked if this water loop was a project that the City would be considering. Gade stated that if Wal-Mart were to build the water storage facility it would cost them approximately \$160,000. If the City would decide to do the water loop this money could be put towards the project. The water loop project would cost about \$300,000.

Fire Chief Krohse returns to the meeting. Council Member Long asks what the payment arrangements are regarding the bill that is left after insurance payment on EMS calls. Council Member Long stated that he thought in past any dollar amount left after insurance, was written off for Grimes residents. City Administrator Brown stated that these would be considered on a case-by-case basis.

PUBLIC AGENDA ITEMS AND COUNCIL ACTIONS

A. Recommendations to help prevent theft of property – Polk County Sherriff Department

Ltd. Knight of the Polk County Sherriff's Department was present give some recommendations to the community on theft prevention. He updated the Council that they had two suspects in regards to the recent break-in and car theft. Ltd. Knight advised resident to take keys, purses and any personnel items out of vehicles and to lock all vehicles. He also advised keeping garage doors closed when residents are not home. Council Member Long asked about peddler's licenses in Grimes. Ltd. Knight advised that peddlers are asked to come check in at City Hall and get a peddlers license.

B. Build America Bonds Presentation – John Danos of Dorsey & Whitney and Rex Ramsey of Piper Jaffrey.

Rex Ramsey addressed the Council regarding the America Recovery and Reinvestment Act of 2009 provided authority during 2009 and 2010 for state and local governments, at their option, to issue Build America Bonds as taxable bonds with Federal subsidies for a portion of their borrowing costs. Ramsey reviewed with the Council the pros and cons of these types of bonds. The Council asked that when selling the next set of bonds that we offer to bidders the ability to submit bids as Build America Bonds or traditional tax exempt bonds or both.

C. DART Presentation – Brad Miller and Mayor Van Oort

Elizabeth Presutti representing DART and Mayor Van Oort representative on the DART Board for Grimes was present to give an update on DART services. Presutti stated that a new service had started on June 7th which was a service from NW 86th Street to NW 62nd Street. Park and rides are available at the Dahl's on 86th Street, north of I-80 and at the Dahl's on Hickman. Presutti stated that there are four trips in the morning and four trips at night with one trip during the middle of the day. She stated that these busses have been full. Mayor Van Oort stated that the goal of DART is to provide premier service to all quadrants and that the routes are now in place to be built upon. Presutti also advised that DART was also offering a regional on call service one day a week for service from Grimes. Council Member Altringer asked what the next step is going to be. Presutti stated this fall a long range planning study is going to be done. Council Member Altringer said that she would like to continue conversations regarding the services provided to the City of Grimes. Mayor Armstrong asked for the current status of Johnston and Clive with DART. Presutti stated that from what she understood Clive has

rescinded their letter of withdrawal from DART and Johnston is going through an evaluation process. Presutti said they would continue to work on communication of DART's services to residents. Presutti also stated that an enhancement to services will be the installation of GPS systems on each bus so that riders will be able to see exactly where buses are, and how long their wait times will be.

D. Resolution 06-0309 Approving Preliminary Resolution Pursuant to Section 384.42 of the Iowa Code covering the SE 37th Street Improvement Project

City Engineer, John Gade provided an overview of the SE 37th Street Improvement Project and the assessment process. Gade stated that this project was being done due to requests from property owners, vendors, customers and for safety along the SE 37th Street corridor. Council Member Grove stated that he was not sure that the business owners wanted this road improvement or felt if it was necessary based on their past input. The two lawyers representing these businesses were allowed to make a statement regarding this project.

Attorney Jim Wine, of Nyemaster representing the property owners on the south side of SE 37th Street stated that they would be happy with patching of the road and did not feel this improvement was necessary. Attorney Dan Manning representing the north side property owners of SE 37th Street stated that the property owners thought the work needed to be done but would like to see this work deferred. Council Member Grove stated that what he was hearing from the attorneys was, if the Council decides to back away from this project, that we would not continue to hear from business owners to fix this road. The Council continued to discuss whether to move forth with this project or do patching and fix the railroad crossing on this road. The attorneys were asked to confirm their earlier stated positions that the businesses along this corridor would not object if no improvements were made to this road and they agreed. Funding for the basic maintenance of this road was also discussed. City Attorney Tom Henderson stated that any maintenance done to this road could be assessed back to the property owners. Council Member Altringer stressed to those in attendance that there could be two assessment projects for maintenance on this road before the permanent improvement was made. She wanted to make sure that the business owners understand that they could be assessed multiple times. She also expressed her disappointment in the businesses and their current position on this project. After further discussion about the options of proceeding forward, Council Members Evans and Long also agreed that although improvements are needed, if the business owners using the road find the condition of the road acceptable, the project wouldn't be moved forward. Council Member Grove suggested that this road have reduced speeds and look into weight limits to mitigate any further damage.

Moved by Grove, Seconded by Long; Resolution 06-0309 shall be deferred indefinitely.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

E. Resolution 06-0409 Approving and Adopting Preliminary Plans and Specifications, Estimate of Cost and Plat and Schedule

F. Resolution 06-0509 Approving Preliminary Resolution of Necessity for SE 37th Street Improvement Project Special Assessment

G. Set Bid Date of July 8, 2009 and Set a Public Hearing on the Resolution of Necessity, proposed plans specifications and form of contract and estimate of cost, for the SE 37th Street Paving Project. July 14, 2009

Moved by Long, Seconded by Grove; Items E, F, and G shall be deferred indefinitely.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

H. Set Bid Date of July 8, 2009 and Set Public Hearing on the proposed plans, specifications and form of contract and estimate of cost for the E. 1st Street Roadway Lighting Project July 14, 2009.

Moved by Grove, seconded by Evans; the bid date of July 8, 2009 and the Public Hearing on the proposed plans, specification and form of contract and estimate of cost for the E. 1st Street Roadway Lighting Project for July 14, 2009 shall be approved.
Roll call: Ayes: All Nays: None. Motion passes: 4-0.

I. Public Hearing to Approve Development Agreement with GD Development LLP

Mayor Armstrong opened the Public Hearing at 7:30 p.m. Mayor Armstrong asked if anyone in the audience wished to address the Council. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 7:30 p.m.

J. Resolution 06-0209 Approving Agreement with GD Development, LLP, Authorizing Annual Appropriation Tax Increment Payments and Pledging Certain Tax Increment Revenues to the Payment of the Agreement

Moved by Grove, seconded by Altringer; Resolution 06-0209 providing for the Agreement with GD Development, LLP, authorizing annual appropriation tax increment payments and pledging certain tax increment revenues to the payment of the agreement shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

K. Approve entering into Development Agreement between the City of Grimes, Iowa and GD Development, LLP

Moved by Altringer, seconded by Grove; the Development Agreement between the City of Grimes, Iowa and GD Development, LLP shall be approved.

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

L. Site Plan Discussion for “Outlot Y” – Bart Turk

Bart Turk of United Contractors addressed the Council regarding informal discussions regarding a temporary site plan to a permanent site plan for concrete and asphalt recycling plant in Outlot Y. Turk advised that screen would be used in this area and a water process would be used to do the grinding for dust control. Council Member Altringer asked that a height limit for the milling piles be added to this site plan. The Council was in agreement that they would be in favor of this project as either a temporary or permanent site plan and would refer it on to the Planning and Zoning Commission.

M. Public Hearing and First Reading of Ordinance #576 Amending the Grimes Code of Ordinance Chapter 47 Park Regulations, 50 Nuisance Abatement Procedures and 55 Animal Protection and Control to Add Language for the Disposal of Pet Waste

Mayor Armstrong opened the Public Hearing at 8:05 p.m. Mayor Armstrong asked if anyone in the audience wished to address the Council. There being no oral or written communication, Mayor Armstrong closed the Public Hearing at 8:05 p.m.

Brandt Williamson, of Fox Engineering, was present to address the proposed pet waste ordinance. Williamson advised that the City has an NPDES Permit (National Pollutant Discharge Elimination System) which is a requirement of the DNR with the Clean Water Act, to reduce pollutants in the water. Williamson pointed out that pet waste contains bacteria, which can get into the water supply. He stated that there are six different

phases in the NPDES Permit and phase six is pollution prevention and good house keeping. Number one under this phase is the pet waste ordinance. After discussion, Council was not comfortable with addressing waste pickup on private property. The Council did address pickup of pet waste on public and private property, other than the owner's property. The Ordinance will be amended and a draft of the ordinance will be available at City Hall and on the City website.

Moved by Grove, Seconded by Evans: to keep section 55.01, 55.07 as updated, 55.19 section 1, 2, & 5 (making #5 to #3) leave in, 47.07 taking out private, 47.27 leave in, and leave in 50.02

Roll call: Ayes: All Nays: None. Motion passes: 4-0.

E. PUBLIC FORUM

No one was present to address the Council.

COUNCIL DISCUSSIONS.

1. Mayor's Report

Mayor Armstrong advised the Council that the City would be receiving additional RUT Funds this year through the distribution of some state funds. The money will be received over 2 years with the first money being received in July of 2009 and the rest in July of 2010. The total amount of money will be \$58,000 with 45 percent of funds being received in July 2009 in the amount of approximately \$26,000. Mayor Armstrong went on to say that he felt that Funtastic Days was very successful. He thanked staff for all their help with this celebration.

2. City Attorney's Report

City Attorney Henderson stated at the next meeting he would request a closed session regarding two pending litigations. Henderson said that he would also do more research regarding defeated matters and if there would be any provisions

3. City Engineer's Report

City Engineer Gade stated that work was still continuing on the addressing. He stated that E 1st Street was being closed out and waiting on power from Mid American. Gade also advised that work was being done on the N Circle Drive storm sewer. Gade stated that South James Street would be closed on Friday, June 26 for the overlay project but would be opened back up on Saturday.

4. City Staff Report

City Administrator Brown stated that she had nothing new to report.

5. Old Business

Council Member Grove asked about rodent control around the old elevator. City Administrator Brown stated the rodent control is being addressed. Council Member Grove stated that there had been discussion about Rezoning along Hwy 44. Staff will look into this matter. Mayor Armstrong stated that Walmart is continuing to progress with their project. Council Member Long asked about the Peddler's License sign on the edge of town.. It was decided that there would not be a good location for this sign. Council Member Altringer thanked the Chamber and City staff for their work at Funtastic Days. Council Member Grove reminded people that July 7 would be the first date for recycling pickup.

6. New Business

ADJOURNMENT

Moved by Long, Seconded by Altringer; there being no further business, meeting is adjourned at 8:45 p.m.

ATTEST:

Rochelle Williams, City Clerk

Tom Armstrong, Mayor